

### REMARKS

Applicant has amended the claim 10 and added new claim 21. Applicant respectfully submits that these amendments to the claims are supported by the application as originally filed and do not contain any new matter (see pages 17 and 18 of the specification). In addition, Applicant respectfully submits that the claims as amended would not be properly rejected based upon the art of record in the application for the reasons set forth herein below.

The Examiner has rejected the claims 10 through 12 under 35 USC 103 as being obvious over Taguchi et al. in view of Moto stating that Taguchi et al. discloses an individual authentication system using a recording medium, the recording medium being constituted by a memory function by using an electronic device in which the memory function is built, the memory function having the functions of: registration information recording means which registers both user information including at least one information unit known by the user to be registered in authentication and non-user information including at least one information unit unknown by the user for user authentication in the recording medium in advance to record registration information; access information recording means which records access information given the user, comprising an authentication computer having access information comparison determining means which confirms, when a user candidate inputs access information, that the access information is the access information given to the user candidate in user authentication; registration presenting means which outputs the registration information recorded on the registration information recording means on the basis of generation of a confirmation signal from the access information determining means; user information determining means which compares input user information selected from the presented registration information with the recorded user information for authentication; an authentication signal generating means which generates an authentication signal to the electronic device in which the recording medium is built on the basis of authentication determination of the user information determining means to permit the user to use the electronic device; and wherein the user information is selected from an image in an episode memory of the user, but does not teach at least one of the user information is an information unit for unwilling authentication signal used when user authentication is performed despite the intention of the user; Moto teaches one of the user information is an information unit for unwilling authentication signal used when user authentication is performed despite the

authentication of the user and particularly teaches having multiple passwords for authenticating where a user may use an emergency password which triggers an emergency procedure if user is forced to authenticate but wishes not to authenticate using the normal non distressed password; and it would have been obvious to one of ordinary skill in the art to modify Taguchi et al. in view of the teachings of Moto.

In reply to this rejection, Applicant would like to incorporate by reference his comments made in Applicant's response of November 2, 2009. In addition, Applicant would like to point out that Applicant's invention is based upon two basic premises as follows:

A. Some of the matters which cannot be accomplished by non-episode memory can be accomplished easily utilizing episode memory; and

B. Some of the matters which cannot be accomplished by password represented by characters can be accomplished by the use of a plurality of images.

As to the basic premise A set forth above, the Examiner suggests that episode memory is a part of long term memory and therefore a technique that covers long term memory covers episode memory. Applicant respectfully submits that this is incorrect. In particular, Applicant respectfully submits that if the Examiner's suggestion was correct, any invention including long term memory would not be able to exist because long term memory is part of the memory. Memory is a part of a function of the brain and if there is a prior art technology on brain function in general, Applicant respectfully submits that in accordance with the Examiner's suggestion, then no invention related to memory is able to exist. Applicant respectfully submits that such a position is logically unacceptable.

Therefore, Applicant respectfully submits that memory cannot explain what brain function in general cannot explain, long term memory can explain what brain function in general cannot explain and episode memory can explain what long term memory cannot explain. By way of concrete examples, memory of matters such as a birthday, place of birth and chains of friends is memory of facts, but not episode memory. Episode memory is a memory based on a person's own experience with some sentiment involved such as a present that a friend gave you at a birthday party.

In support of the above, set forth below is a definition of episodic (episode) memory from Wikipedia as follows:

Episodic memory is the memory of autobiographical events (times, places, associated emotions, and other contextual knowledge) that can be explicitly stated.

In addition, set forth below is a definition of episodic (episode) memory from wisegeek.com as follows:

Episodic memory is a form of memory which allows someone to recall events of personal importance. Together with semantic memory, it makes up the declarative section of the long term memory, the part of memory concerned with facts and information, sort of like an encyclopedia in the brain. The other type of long term memory is procedural memory, which is the how-to section of the brain.

The primary contrast between episodic and semantic memory is that episodic memories are memories which can be explicitly described and stated, while semantic memory is concerned with concepts and ideas. For example, the concept of a table is housed in the semantic memory, but when someone describes his or her kitchen table, this is an episodic memory. Procedural memory can also interact with declarative memory, as for example when someone drives a car, using procedural memory to remember how to drive, semantic memory to define a car, and episodic memory to recall specific driving experiences.

Episodic memories can pertain to general or specific events, such as what it feels like to ride a train, or a specific event which occurred on a train. It can also include facts, such as the names of world leaders, and so-called "flashbulb" memories, which are formed during periods of intense emotion. A classic example of a flashbulb memory from the 20th century is the assassination of President Kennedy, an event which was vividly remembered by people who were alive at the time.

It only takes one exposure to form an episodic memory, which is probably something which evolved early in human evolution, to teach people to avoid making potentially deadly mistakes. For example, someone who almost drowns as a child will often develop a fear of water in response to this single experience. People engage in episodic learning every day, but children often provide very striking examples of episodic learning, since they are exploring a world which is primarily unfamiliar to them, and hence they constantly have new experiences which are filed away in the episodic memory.

This area of the long term memory is a critical part of identity. People are shaped by the events they participate in and interact with, and loss of episodic memories can

cause people to experience confusion or distress, as they lack a context for their identities. Some researchers have suggested that episodic memory sometimes turns into semantic memory over time, with the brain lumping a family of similar experiences together to create a semantic concept. For example, distinct memories of various burns may be bundled together into the semantic memory to provide a concept of "hot," along with information about which kinds of things tend to be hot.

Still further, in an article by Dr. Akichika Mikami, a professor and medical doctor in the Section of Brain Research, Department of Behavioral and Brain Sciences, Primate Research Institute, Kyoto University, it defines long term memory as follows:

Long-term memory comprises declared memory and procedure memory, and the declared memory comprises episode memory and semantic memory. The episode memory is a memory of things happened to an individual such as the menu of the dinner of yesterday and things happened in society such as flood disaster. The semantic memory is a memory of individual matters such as the names and birthdays of the family member and of knowledge socially co-owned such as the meaning of a word. Furthermore, the procedure memory is a memory that is memorized physically such as how to ride a bicycle and how to dance.

Long-term memory is classified into several memories depending on the differences of the nature of memories. Talving (1978) called the memory that relates to individual experience which is related to a particular time and place an "episode memory." For example, such a memory as "After the school enrollment ceremony, I had coffee with friends at a café in front of a railroad station." is an episode memory. To the contrary, he called a memory not related to a particular time and place "semantic memory" differentiating the episode memory. "Central nerve comprises brain and spinal cord" is a semantic memory. Squire (1987) distinguished "declared memory" and "procedure memory." The "declared memory" is a memory to memorize facts and episodes. The "episode memory" and "semantic memory" are categorized into the "declared memory." The "procedure memory" is a memory of manner to perform and rules or is a memory memorized physically or by experience of.

In view of the above, Applicant respectfully submits that more specifically "episode memory" is a memory related to a person's experience that can be positioned in a particular time and spatial context by referring, for instance to when, where, why, etc. and includes

some emotion at that time. It is a memory related to the experience of a person and is entirely different from a concept of being familiar to. Still further, Applicant respectfully submits that images that are familiar to one's memory can fade away without becoming long term memory. To the contrary, matters that have become long term memory are not only familiar to but also can still remain as familiar matters even after a few number of years later since it contains information which the user ordinarily contacts for a long period of time. Applicant respectfully submits that the present invention utilizes not only familiar memory but also uses, under conscious purposes, episode memory which is familiar memory that has become long term memory which cannot be lost in the future, so that the new effect of user authentication that can be used by elderly people and young people as well as and also during panic situations is provided.

Applicant respectfully submits that in view of the above, Taguchi et al. does not disclose the use of episode memory.

Applicant has further carefully reviewed Moto and respectfully submits that while at first glance Moto and Applicant's invention accomplish the same object, Applicant respectfully submits that the means to accomplish this object are entirely different in Applicant's invention from Moto. Applicant respectfully submits that in Moto, the object is accomplished without describing the episode memory nor describing a memory of images. In contrast thereto, in Applicant's invention the object is accomplished by clearly utilizing episode memory and the use of images. Since Moto does not utilize episode memory or the use of images, Applicant respectfully submits that it forces a user to memorize characters and numbers that are, in the first place, of no easy use, causing stress and making users reluctant to use passwords. In contrast thereto, in Applicant's invention the authentication method uses images based on episode memory which can easily accomplish the object of Applicant's invention. For the same object, Applicant respectfully submits that Moto proposes a method that is difficult to perform whereas Applicant's invention proposes a method that is easy to perform.

Still further, Applicant respectfully submits that in Applicant's invention is provided a structure or method where an information unit for unwilling authentication is included among the plurality of information units and by selecting the unwilling authentication information together with other information units that creates an authentication signal, it is possible for the

user by submitting such authentication signal to indicate that the user is unwilling to authenticate. In contrast thereto, Applicant's review of Moto indicates that it discloses multiple passwords, one of which is an emergency password, not nearly the change or selection of an unwilling authentication information unit which is inserted into the authentication signal to indicate the user is submitting the authentication signal unwillingly. Instead, the principles and operation of Moto depend on the utilization of a completely different emergency password.

Furthermore and as to B, in Applicant's invention the registration information recording means registers both user information including a plurality of information units known by a user to be registered in authentication and non-user information including a plurality of information units unknown by the user for user authentication in the recording medium in advance to record registration information. Still further, the user information is selected from visual information in an episodic memory of the user. Also at least one of the plurality of information units is an information unit for an unwilling authentication signal used when the user authentication is performed despite the intention of the user. Applicant respectfully submits that these features of Applicant's invention described above are not shown or suggested by any of the art relied upon by the Examiner.

In view of the above, therefore, Applicant respectfully submits that not only is the combination suggested by the Examiner not Applicant's invention but also the combination suggested by the Examiner would not be suggested to one of ordinary skill in the art. Therefore, Applicant respectfully submits that the claims 10 through 12 and 21 are not obvious over Taguchi et al. in view of Moto.

Applicant further respectfully and retroactively requests a three (3) month extension of time to file this Request for Continued Examination and to enter this amendment as part of this RCE. Please charge the extension fee in the amount of \$555.00 (Fee Code: 2253) to QUINN EMANUEL DEPOSIT ACCOUNT NO. 50-4367.

In view of the above, therefore, it is respectfully requested that this Amendment be entered as part of this Request for Continued Examination, favorably considered and the case passed to issue.

Please charge any additional costs incurred by or in order to implement this Amendment or required by any requests for extensions of time to QUINN EMANUEL DEPOSIT ACCOUNT NO. 50-4367.

Respectfully submitted,

By   
William L. Androlia  
Reg. No. 27,177

Quinn Emanuel Urquhart & Sullivan, LLP.  
Koda/Androlia  
865 S. Figueroa Street, 10th Floor  
Los Angeles, California 90017  
Telephone: 213-443-3000  
Facsimile: 213-443-3100  
E-mail: thomascdison@quinnemanuel.com

Certificate of Transmission

I hereby certify that this correspondence is being  
facsimile transmitted to the Patent and Trademark Office  
Fax No. (571) 273-8300 on August 23, 2010.

William L. Androlia

  
Name

Signature

8/23/2010

Date